

### REMARKS

Applicant requests favorable reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks.

Claims 43-48 are presented for consideration. Claim 43 is the sole independent claim. Claims 49-54 have been canceled without prejudice to or disclaimer of the recited subject matter. Claims 43-46 and 48 have been amended to clarify features of the subject invention. Support for these changes can be found in the original application, as filed. Therefore, no new matter has been added.

Initially, Applicant notes that the Examiner has renumbered claims 41-52, which were presented in the Preliminary Amendment filed on October 2, 2003, as claims 43-54. Applicant confirms that the Examiner's renumbering is correct and apologizes for any confusion in the record.

Applicant requests favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action.

Claims 43-54 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,028,659 to Kaneko. Claims 43-54 were also rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,614,535 to Kakuchi et al. Applicant submits that the cited art does not teach or suggest many features of the present invention as previously recited in claims 43-54. Therefore, these rejections are respectfully traversed. Nevertheless, claims 49-54 have been canceled without prejudice or disclaimer, in order to expedite prosecution. Further, Applicant submits that

independent claim 43, for example, as presented, amplifies the distinctions between the present invention and the cited art.

Independent claim 43 recites a scanning exposure apparatus for exposing a substrate to a pattern. The apparatus includes an exposure system which exposes the substrate to the pattern with respect to a unit region, to which the pattern is transferred, of the substrate, a determination system which determines whether a condition of an exposure performed by the exposure system is allowable during the exposure, a control system which causes the exposure system to continue exposing a remaining region in the unit region of the substrate to the pattern, even after the determination system makes a negative determination for the unit region, and a user interface which informs the apparatus of the unit region, for which the determination system makes a negative determination, of the substrate.

Applicant submits that the cited art does not teach or suggest such features of the present invention, as recited in independent claim 43.

The Kaneko patent shows a scanning projection-exposure apparatus in which detection of a possible exposure error is performed before scanning exposure of a shot field on the substrate. Upon detection of a possible error, the apparatus will continue an exposure sequence without stopping the apparatus. If the detected error is, for example, a focusing error, the scanning direction for exposure of the shot field and all subsequent shot fields on the substrate are reversed. If the detected error is, for example, a synchronization error between the mask and the substrate, the pre-scan distance for the subject shot field is increased and the scanning direction for exposure of the shot field and all subsequent shot fields are reversed.

The Kakuchi et al. patent relates to an exposure apparatus that has a stage for aligning a substrate surface to an imaging plane on the basis of a detection signal from a focus sensor, moves the substrate by the stage, transfers a projection pattern and exposes a substrate. The apparatus includes a controller for, when an exposure shot region on the substrate cannot converge to a predetermined precision, determining the exposure shot as an error, and controlling the stage so as to move the substrate to a predetermined position upon determination of the error, and an exposure unit for forcibly transferring the projection pattern onto the substrate at the predetermined position in the exposure shot and exposing the substrate.

Applicant submits, however, that the neither the Kaneko patent, nor the claims of the Kakuchi et al. patent teaches or suggests salient features of Applicant's present invention, as recited in independent claim 43, including at least the features of a determination system for determining whether a condition of an exposure performed by the recited exposure system is allowable during the exposure of, for example, a unit region to which a pattern is transferred, on the substrate, and a user interface which informs the apparatus of the unit region, for which the determination system makes a negative determination, of the substrate. Accordingly, those patents do not teach or suggest many features of the present invention, as recited in independent claim 43.


For the foregoing reasons, Applicant submits that the present invention, as recited in independent claim 43, is patentably defined over the cited art.

Dependent claims 44-48 also should be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in independent claim 43. Further individual consideration of these dependent claims is requested.

Applicant further submits that the instant application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action and an early Notice of Allowance are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

  
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